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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,111	02/21/2002	Roland Rupp	4965-000121	9731
27572	7590	06/30/2004	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			DANG, KHANH NMN	
			ART UNIT	PAPER NUMBER

2111

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,111

Applicant(s)

RUPP ET AL.

Examiner

Khanh Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20020221.

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- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the steps recited in claims 20 must be shown (in the form of flowchart(s) or the features canceled from the claims. No new matter should be entered.

Description must be provided to the blocks shown in Figs. 1-3.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 2, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 8, line 2, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 9, line 1, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 10, line 1, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 11, line 1, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 12, line 1, the term "safe bus users" should be changed to – field bus users – to avoid confusion.

In claim 21, line 1, "Control system" should be changed to – A control system --. In lines 3 and 4, the term "safe bus users" should be changed to – field bus users – to avoid confusion. Further, the essential structural cooperative relationships between the "field bus," "bus user," and administration unit" have been omitted, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9, 10, 17, 20, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nixon et al.

At the outset, it is noted that similar claims will be grouped together to avoid repetition.

As broadly drafted, these claims do not define any structure that differs from Nixon et al. (Nixon).

With regard to claim 21, Nixon discloses a control system (shown generally at 100, Fig. 1C, for example) for safely controlling safety-critical processes, comprising a field bus (also field bus in Nixon, not labeled), an administration unit (the plug and play network configuration unit at master controller configuration controller, see column 31, line 39 to column 32, line 43), and at least one safe bus user (field devices 132 implemented to transmit and receive digital data pertaining to a device, including data relating to configuration, diagnostic, and maintenance, see column 15, lines 64-67), all of which being

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connected to said field bus (also field bus in Nixon, not labeled), said safe bus user (field devices 132) comprising a registering unit (110) for registering with said administration unit under a predetermined universal address (MAC address), a memory (flash ROM, column 27, line 38 for storing device ID/address and process information downloaded device table, column 10, lines 29-31) for storing a user address allocated to said bus user, and a receiver (it is clear that 110 comprises a receiver so that it may receive and evaluate a response message in response to the request from 110, see Figs. 21a, b, and description thereof) for receiving and evaluating an address allocation message from said administration unit, said address allocation message containing said user address to be allocated.

With regard to claim 9, it is clear that one using the control system of Nixon would have performed the same steps set forth in claim 8. See discussion regarding to claim 21.

With regard to claim 10, see at least column 15, lines 64-67, and Fig. 21 and description thereof. Note also that the system of Nixon is a CAN network and therefore, it must be in full compliance with CAN protocol. Thus, a maintenance message will be periodically transmitted to all nodes.

With regard to claim 17, it is clear that the system of Nixon is a CAN network and therefore, it must be in full compliance with CAN protocol. Thus, a maintenance message will be periodically transmitted to all nodes. See also column 15, lines 64-67.

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With regard to claim 20, the system of Nixon is a CAN network and therefore, it must be in full compliance with CAN protocol. In CAN protocol, each message has to be acknowledged by at least one receiver. The sender monitors the ACKs, and a missing acknowledgement is interpreted as an error by the sender.

Allowable Subject Matter

Claims 1-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claims 11-16, 18, and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

U.S. Patent Nos. 6,686,838 to Rezvani et al., 5,980,078 to Krivoshein et al., and 6,449,715 to Krivoshein are cited as relevant art.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

Khanh Dang

Khanh Dang
Primary Examiner

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